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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,893	02/13/2001	Binnur Al-Kazily	10002407-1	3399

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FORT COLLINS, CO 80527-2400

EXAMINER
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RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/783,893

Applicant(s)

AL-KAZILY, BINNUR

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "accountor" in claim 12 is a relative term, which renders the claim indefinite. The term "accountor" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In claim 12, the applicant seems to be defining the "accountor" with the functionality to track each consumer item order executed by the purchasing processor, whereas the specification (Page 7, lines 14 – 15) implies/defines the "accountor" as a computer program for installing the software – specifically the purchasing system. The purchasing system, as defined by the specification actually manages the "tracking each consumer item order executed by the purchasing processor". Claim 12 for examination purposes will be treated as definite.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 3, 13 – 14 and 16 - 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama (US 6,333,790 B1) in view of Manchala (US 6,405,178 B1).**

Regarding claim 1 and related claims 14 and 19, Kageyama teaches a purchasing system, the purchasing system buying consumer items from a communications network business through a communications network based on purchasing information gathered from a user environment in accordance with parameters provided by a user, comprising:

(a) a monitoring unit linked with the user environment, the monitoring unit obtaining purchasing information from the user environment in accordance with parameters provided by a user (see at least Abstract, Col 2, lines 21 – 29 and Figure 8). In addition and regarding claim 2, Kageyama teaches a purchasing system wherein the user environment includes: (a) a network plugin device; (b) a peripheral device; and (c) a database device (see at least Figures 1 and 7) and (13) wherein the communications network comprises the Internet (Col 5, line 34) – as well as (20) a method further comprising the steps of: (a) linking a trader unit with the purchasing unit

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and with the communications network (see at least Figure1); and (b) buying a consumer item from the communications network with the trader unit based on the consumer item order (see at least Col 3, lines 1 – 3).

However, Kageyama does not specifically disclose and teach a purchasing unit linked with the monitoring unit, the purchasing unit generating a consumer item order by assessing the purchasing information.

On the other hand, Manchala teaches (b) a purchasing unit linked with the monitoring unit, the purchasing unit generating a consumer item order by assessing the purchasing information (see at least Abstract and Col 3, lines 23 – 36). Moreover:

regarding claim 3, Manchala teaches a purchasing system according further comprising a trader unit linked with the purchasing unit and with the communications network, the trader unit for selecting a communications network business for the consumer item order (see at least Col 4, lines 27 – 49).

regarding claim 16, Manchala teaches a computer code product wherein the second computer code product includes computer code product for assessing the purchasing information from the first computer code product and for generating a consumer item order (see at least Abstract and Col 3, lines 23 – 36) and (17) further comprising: a third computer code product for buying a consumer item from the

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communications network based on the consumer item order (see at least Abstract and Col 1, lines 14 – 15) as well as (18) wherein the third computer code product includes computer code product for selecting a communications network business in accordance with the consumer item order (see at least Abstract, Col 1, lines 14 – 15 and Col 2, line 37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method, system and computer code of Yageyama with the method, system and computer code of Manchala to enable a purchasing system, the purchasing system buying consumer items from a communications network business through a communications network based on purchasing information gathered from a user environment in accordance with parameters provided by a user, comprising: (a) a monitoring unit linked with the user environment, the monitoring unit obtaining purchasing information from the user environment in accordance with parameters provided by a user and a (b) a purchasing unit linked with the monitoring unit, the purchasing unit generating a consumer item order by assessing the purchasing information to enable a method and system which will both the automatic monitoring of required user/consumer repairs required and/or consumables – as well monitoring user/consumer inventory levels and automatic ordering. In this regard, the user/consumer does not have to be concerned with consumables and/or repairs ordering - since the system will automatically handle these tasks. Moreover, the user/consumer satisfaction will be enhanced with the vendor through these cost

reduction techniques and ease of use – as well as reducing inventory. Thereby, for the vendor increasing the probability that the user/consumer will continue using the service as well as recommend to others.

**Claims 4 – 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Yageyama and Manchala as applied to claim 2, above, and further in view of Slotznick (US 5,983,200).**

The combination of Yageyama and Manchala substantially disclose and teach the applicant's invention.

However, the combination of Yageyama and Manchala does not specifically disclose and teach a purchasing system wherein the monitoring unit includes: (a) an order collection system for sensing a consumer item demand signal from the user environment; and (b) an intelligent monitoring agent linked with the order collection system and with the purchasing unit for generating purchasing information from the consumer item demand signal; and wherein the monitoring unit further includes an inventory collection system linked with the intelligent monitoring agent for sensing a consumer item stock signal from the user environment; and wherein the purchasing unit includes an intelligent purchasing agent linked with the intelligent monitoring agent and with the trader unit for assessing the purchasing information; and wherein the intelligent purchasing agent accesses purchasing information from the inventory

collection system to determine whether a consumer item is in the user environment; and wherein the intelligent purchasing agent accesses purchasing information from the order collection system; and wherein the intelligent purchasing agent generates a consumer item order; and wherein the trader unit receives the consumer item order from the purchasing unit as well as wherein the trader unit includes a purchasing processor for selecting a communications network business to fulfill the consumer item order.

Regarding claim 4 and related claim 15, Slotznick teaches a purchasing system wherein the monitoring unit includes: (a) an order collection system for sensing a consumer item demand signal from the user environment (see at least Abstract and Col 4, lines 11 – 15); and (b) an intelligent monitoring agent linked with the order collection system and with the purchasing unit for generating purchasing information from the consumer item demand signal (Col 4, lines 11 – 25) and (5) wherein the monitoring unit further includes an inventory collection system linked with the intelligent monitoring agent for sensing a consumer item stock signal from the user environment (Col 4, lines 35 – 37) as well as (6) wherein the purchasing unit includes an intelligent purchasing agent linked with the intelligent monitoring agent and with the trader unit for assessing the purchasing information (Col 4, lines 11 – 37).



Regarding claim 7, Slotznick teaches a purchasing system wherein the intelligent purchasing agent accesses purchasing information from the inventory collection system to determine whether a consumer item is in the user environment (Col 4, lines 37 – 55).

Regarding claim 8, Slotznick teaches a purchasing system wherein the intelligent purchasing agent accesses purchasing information from the order collection system (Col 11 – 55).

Regarding claim 9, Slotznick teaches a purchasing system wherein the intelligent purchasing agent generates a consumer item order (Col 4, lines 13 – 15) and (10) wherein the trader unit receives the consumer item order from the purchasing unit (see at least Col 9, lines 57 – 60).

Regarding claim 11, Slotznick a purchasing system according to claim 10 wherein the trader unit includes a purchasing processor for selecting a communications network business to fulfill the consumer item order (Col 9, lines 57 – 60) and (12) wherein the trader unit includes an accountor linked with the purchasing processor for tracking each consumer item order executed by the purchasing processor (Col 9, lines 61 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Yageyama and Manchala with the method, system

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and computer code of Slotznick to enable a purchasing system wherein the monitoring unit includes: (a) an order collection system for sensing a consumer item demand signal from the user environment; and (b) an intelligent monitoring agent linked with the order collection system and with the purchasing unit for generating purchasing information from the consumer item demand signal; and wherein the monitoring unit further includes an inventory collection system linked with the intelligent monitoring agent for sensing a consumer item stock signal from the user environment; and wherein the purchasing unit includes an intelligent purchasing agent linked with the intelligent monitoring agent and with the trader unit for assessing the purchasing information; and wherein the intelligent purchasing agent accesses purchasing information from the inventory collection system to determine whether a consumer item is in the user environment; and wherein the intelligent purchasing agent accesses purchasing information from the order collection system; and wherein the intelligent purchasing agent generates a consumer item order; and wherein the trader unit receives the consumer item order from the purchasing unit as well as wherein the trader unit includes a purchasing processor for selecting a communications network business to fulfill the consumer item order. In that regard, the method and system will incorporate an intelligent agent, which will monitor both order information from the user/consumer directly – as well inventory levels and automatically order the required part/consumable. Indeed, the method and system will be able to learn as more transactions are completed which in turn will ease the workload on the consumer/user. As importantly, their satisfaction will be increased with the vendor for providing these automatic and

intelligent agent enable capabilities, which will significantly increase their satisfaction through lower overall cost. Moreover, the probability will be significantly enhanced too that the user/consumer will continue using the vendor offering these capabilities – and thus enjoy additional business.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Scheer (US 2002/0161674 A1), which addresses intelligent agents use in fulfilling an order in an integrated supply chain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7658 for regular communications and 703.308.3687 for After Final communications.

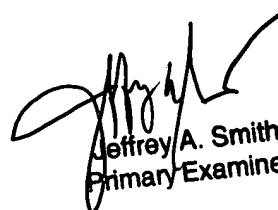
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

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RER

December 8, 2003



Jeffrey A. Smith  
Primary Examiner